

PCT/INT'L COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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PCT

NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

		Date of mailing (day/month/year) 04.08.2004
Applicant's or agent's file reference 62782		IMPORTANT NOTIFICATION
International application No. PCT/FR 03/01079	International filing date (day/month/year) 04.04.2003	Priority date (day/month/year) 05.04.2002
Applicant THALES et al.		

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the International preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The Applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purpose of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purpose of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/	Authorized officer:
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PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or Agent's file reference	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) FOR FURTHER ACTION	
International application No. PCT/FR 03/01079	International filing date (day/month/year) 04.04.2003	Priority date (day/month/year) 05.04.2002
International Patent Classification (IPC) or national classification and IPC H04L 12/56		
Applicant THALES et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets including this title page.

This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Instruction 607 of Administrative Instructions of the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement according to Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

Date of submission of the demand 10.10.2003	Date of completion of this report 04.08.2004
Name and mailing address of the IPEA/  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0, Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer: Le Bras, P Telephone No. +49 89 2399-8819 

I. Basis of the report

1. This report has been drawn up on the basis of the following elements (*the replacement sheets received by the receiving office in response to an invitation according to Article 14 are considered in the present report as "originally filed" and are not annexed to the report as they contain no amendments (Rules 70.16 and 70.17.)*):

Description, pages:

1-8 as originally filed

Claims, No.:

1-5 received on 26.07.2004 with fax

Drawings, sheets:

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

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International application No. PCT/FR 03/01079

5. This report has been written disregarding (some of) the amendments, which were considered as going beyond the description of the invention, as filed, as is indicated below (Rule 70.2(c)):

(All replacement sheets comprising amendments of this nature should be indicated in point 1 and attached to this report).

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty	Yes:	Claims	1-5
	No:	Claims	

Inventive Step	Yes:	Claims	1-5
	No:	Claims	

Industrial Applicability	Yes:	Claims	1-5
	No:	Claims	

2. Citations and explanations

see separate sheet

Concerning point V

**Reasoned statement as to novelty, inventive step and industrial applicability;
citations and explanations in support of this statement**

1. Reference is made to the following document:
D1: WO-A-95 29544

The document D1, which is regarded as being the state of the art closest to the subject matter of Claim 1, describes a process for communication with a redundant system in which the redundant entities are routers.

The subject matter of Claim 1 differs from the known process of D1 in that the redundant entities are serial lines.

The subject matter of Claim 1 is therefore novel (Article 33(2) PCT).

The problem that the present invention proposes to solve may therefore be regarded as that of making it possible to substitute a serial line by another serial line belonging to the same group.

The solution is achieved through serial line addressing and is neither known nor derivable from the documents cited which merely disclose systems whose redundant entities are routers.

The subject matter of Claim 1 therefore satisfies the requirements of Article 33(3) PCT.

2. Claim 3 is the device claim corresponding to the process Claim 1 and is as it stands also satisfies the requirements of Articles 33(2) and (3) PCT.
3. Claims 2, 4 and 5 depend on Claim 1 or on Claim 3 and therefore also satisfy, as they stand, the conditions required by the PCT as regards novelty and inventive step.

Concerning the layout requirements

1. Contrary to what is required by rule 5.1 a) ii) PCT, the description does not indicate the relevant prior art set forth in the document D1 and does not cite this document.
2. Claim 3 does not satisfy the clarity requirements of Article 6 PCT. It is a device claim that ought to comprise device characteristics (means for ...) and not method characteristics.